

Message Text

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ORIGIN COA-01

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----- 104659

P 282253Z FEB 75

FM SECSTATE WASHDC

TO AMEMBASSY BRASILIA PRIORITY

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E.O. 11652: N/A

TAGS: EFIS, BR

SUBJECT: PROCEDURES REGARDING U.S.-BRAZIL REGARDING
U.S.-BRAZIL SHRIMP AGREEMENT

1. THE DRAFT U.S.-BRAZIL SHRIMP AGREEMENT HAS BEEN
REVIEWED IN THE DEPARTMENT, AND AUTHORIZATION TO SIGN IS
EXPECTED SHORTLY. FOLLOWING ARE CHANGES IN THE AGREEMENT,
ALL OF A TECHNICAL NATURE, RECOMMENDED BY LEGAL OFFICE.

A. THE HEADING IN THE ENGLISH AND PORTUGUESE TEXTS OF
THE ORIGINAL TO BE RETAINED BY THE UNITED STATES WILL READ
"AGREEMENT BETWEEN THE GOVERNMENTS OF THE UNITED STATES OF
AMERICA AND THE FEDERATIVE REPUBLIC OF BRAZIL CONCERNING
SHRIMP." IN THE PORTUGUESE AND ENGLISH TEXTS OF THE ORIGI-
NAL TO BE RETAINED BY BRAZIL, THE REFERENCE TO BRAZIL WILL
COME FIRST.

B. THE INTRODUCTORY PHRASE TO THE PREAMBLE SHOULD
NOT USE A CAPITAL "T" ON "THIS," AND SHOULD BE FOLLOWED
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BY A COMMA. SIMILARLY, THE REFERENCES TO "THE PARTIES" IN

THE FOURTH AND SIXTH PREAMBULAR PARAGRAPHS SHOULD NOT USE
A CAPITAL "T" ON "THE."

C. ARTICLE IV, PARAGRAPH 5 ... THE REFERENCE TO
"U.S." SHOULD SPELL OUT "UNITED STATES." IN THE SECOND
TO THE LAST LINE, THE COMMA BETWEEN "OTHER" AND "MEASURES"

SHOULD BE DELETED.

D. THE CLOSING PHRASE SHOULD READ:

"DONE AT BRASILIA THIS (DATE OF SIGNATURE) IN
DUPLICATE IN THE ENGLISH AND PORTUGUESE LANGUAGES, BOTH
TEXTS BEING EQUALLY AUTHENTIC." IN THE ORIGINAL TO BE
RETAINED, THE REFERENCE TO THE PORTUGUESE LANGUAGE TEXT
SHOULD COME FIRST.

E. ANNEX II, PARAGRAPH (A) -- DELETE "NEITHER" IN
THE THIRD LINE FROM THE BOTTOM TO AVOID THE DOUBLE
NEGATIVE.

F. AGREED MINUTE, PARAGRAPH 1 -- THE REFERENCE TO
THE GOVERNMENT OF THE UNITED STATES OF AMERICA SHOULD
PRECEED THE REFERENCE TO THE GFRB IN THE ORIGINAL TO BE
RETAINED BY THE UNITED STATES. IN THE FIFTH LINE, DELETE
"INITIALED TODAY" AND REPLACE IT WITH "SIGNED TODAY." IN
PARAGRAPH 2, FOURTH LINE FROM THE BOTTOM, DELETE "PER"
AND REPLACE IT WITH "FOR EACH" TO BRING IT INTO CONFORMITY
WITH THE RELEVANT NOTE AND FOR CLARITY. IN PARAGRAPH 5,
THIRD LINE FROM THE BOTTOM, "ARE A" SHOULD BE "AREA."
THE CITATION IN THE SECOND LINE OF PARAGRAPH 5 SHOULD READ
"ARTICLE IV, PARAGRAPH 1."

G. THE FIRST LINE OF THE NOTE RELATING TO ENFORCE-
MENT PAYMENTS SHOULD REFER TO THE AGREEMENT CONCERNING
SHRIMP, NOT THE "AGREEMENT ON SHRIMP." INSERT THE WORDS
"AND IN PARTICULAR ARTICLE VI," BETWEEN "AMERICA" AND
"AND TO CONFIRM" IN THE THIRD LINE. THE REFERENCE AT THE
END OF PARAGRAPH A) "PURSUANT TO THE TERMS OF ARTICLE V,
PARA. (1)" SHOULD BE REPLACED WITH THE WORDS "IN CONNECTION
WITH THE TERMS OF ARTICLE V, PARAGRAPH (1)." SIMILARLY,
THE WORDS AT THE END OF PARAGRAPH B) "PURSUANT TO THE
TERMS OF ARTICLE V, PARA. 2" SHOULD BE REPLACED WITH THE
WORDS "IN CONNECTION WITH THE TERMS OF ARTICLE V, PARA-
GRAPH (2)." (THE REASON IS THAT PAYMENTS ARE MADE PUR-
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SUANT TO ARTICLE VI, NOT ARTICLE V.)

2. EMBASSY SHOULD ATTEMPT TO OBTAIN GOB AGREEMENT REGARD-
ING THESE CHANGES SOONEST, EMPHASIZING THAT NO CHANGE
SUGGESTED HERE AFFECTS SUBSTANTIVE ASPECTS OF AGREEMENT.
IF GOB AGREES TO THESE CHANGES THEY SHOULD BE INCORPORATED
INTO PORTUGUESE TEXT, WHICH SHOULD BE CABLED TO DEPT.
IMMEDIATELY. WE WOULD THEN BE PREPARED TO COMMENCE A

LANGUAGE COMPARISON ON AN URGENT BASIS IN ORDER TO
PROCEED WITH SIGNATURE AS SOON AS POSSIBLE AFTER FINAL
USG APPROVAL.

3. EMBASSY SHOULD ALSO PREPARE DRAFT NOTE ON VOLUNTARY
COMPLIANCE USING EXACT SAME LANGUAGE CONTAINED IN OLD
AGREEMENT ON THIS SUBJECT. NOTE SHOULD BE PROPOSED TO GOB
WITH SUGGESTION THAT GOB NOTE ON THIS SUBJECT ALSO BE
IDENTICAL TO THAT USED IN OLD AGREEMENT. ANY CHANGE IN
VOLUNTARY COMPLIANCE NOTES COULD RESULT IN TROUBLESOME
LEGAL COMPLICATIONS FOR USG AND MUST BE CLEARED WITH
DEPARTMENT. KISSINGER

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